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Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Rakib et al.

Art Unit: unknown

Examiner: Unknown

Serial No. 09/214,158

I.A. Filing Date: 12/23/98

I.A. Appl. No. PCT/US97/03984

For: **DATA TRANSMISSION USING ATM OVER HYBRID FIBER COAX**

Honorable Commissioner
of Patents and Trademarks
Washington, D.C. 20231

Morgan Hill, California
August 12, 1999

PETITION UNDER 37 CFR 1.47

Dear Sir:

In connection with the entry of the national stage in the U.S. of the above identified patent application based upon International Application Number PCT/US97/03984 having International Filing Date of 12 March 1997, and in response to a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 USC 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE, the undersigned hereby petitions under 37 CFR 1.47(a) to accept the above identified national stage application in the U.S. and award it a filing date. Inventor Fuhrmann has refused to join in the application and is refusing to respond to requests for his signature on the Declaration for Patent Application. Enclosed is a Declaration of Ronald Craig Fish proving the facts pertinent to this situation. Mr. Fuhrmann's last known address was 444 Saratoga Avenue, #15G, Santa Clara,

Patent

California 95050. Also enclosed is a check for the petition fee required under 37 CFR

1.17(i).

Dated: August 12, 1999

Respectfully submitted,

Ronald C. Fish

Ronald Craig Fish
Reg. No. 28,843
Tel 408 778 3624
FAX 408 776 0426

I hereby certify that this correspondence as being deposited with the United States
Postal Service as express mail in an envelope addressed to: Commissioner of
Patents and Trademarks, Washington D.C., 20231, on 8/12/99
19 99 Express Mail Receipt No. EM 163 648 063 u 5

8/12/99 Ronald C. Fish
Date of Signature

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418 Rec'd PCT/PTO 1 2 AUG 1999



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RECEIVED
22 SEP 1999
Legal Staff
International Division

For: **DATA TRANSMISSION USING ATM OVER HYBRID FIBER COAX**

Honorable Commissioner
of Patents and Trademarks
Washington, D.C. 20231

Morgan Hill, California
August 12, 1999

DECLARATION OF RONALD CRAIG FISH IN SUPPORT OF PETITION UNDER 37

CFR 1.47

Dear Sir:

In connection with the entry of the national stage in the U.S. of the above identified patent application based upon International Application Number PCT/US97/03984 having International Filing Date of 12 March 1997, and in response to a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 USC 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE, the undersigned hereby declares as follows.

Being hereby warned that any false statements and the like herein are punishable by fine or imprisonment (18 U.S.C. 1001) and may jeopardize the validity of the application or any patent issuing thereon, the undersigned hereby declares that all statements herein are made of the declarants own knowledge and are true, and any statements made on information and belief are believed to be true.

My name is Ronald Craig Fish. I am a registered patent attorney, and I wrote the patent application identified above. Inventor Amir Fuhrmann was formerly employed by the assignee of the above entitled patent application as an engineer. On 3/27/98, after a heated argument with the president of the assignee, Mr. Fuhrmann was involuntarily terminated. A separation agreement was drafted to aid him in his transition to new employment, but he refused to sign it.

On 12/23/98, I filed the national stage application that became the above entitled patent application. A Declaration for Patent Application was drafted which, on or about December 17, 1998, was sent to Mr. Fuhrmann at his last known address of 444 Saratoga Avenue, #15G, Santa Clara, California 95050 with a request for him to sign it and send it back to the undersigned. The same declaration was sent to the other two inventors. Both of the other two inventors signed the declaration and returned it, but Mr. Fuhrmann did not. Subsequent attempts to contact Mr. Fuhrmann by telephone both by myself and co-inventor Shlomo Rakib have failed. I asked Dr. Shlomo Rakib, co-inventor and an officer of the assignee to attempt to contact Mr. Fuhrmann to get him to cooperate, but he was not successful in obtaining any cooperation. Mr. Fuhrman remains incommunicado and uncooperative, and further attempts to get him to sign the Declaration For Patent Application will be futile.

Further, Declarant sayeth not.

Dated: August 12, 1999

Respectfully submitted,



Ronald Craig Fish
Reg. No. 28,843
Tel 408 778 3624

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FAX 408 776 0426

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19 99 Express Mail Receipt No. EM 163 648 063us

8/12/99 Ronald C. Friel
Date of Signature